IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.24014 of 2004

Between:

Kasi Raja Rao S/o.Venkat Ratnam
R/o.Kondrukota(V), Polavaram Mandal,
West Godavari Dist.

..... PETITIONER

AND

The Settlement Officer-cum-Revenue Development Officer
Jangareddigudem, West Godavari Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or writ or more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in rejecting the petitioner's application under Section 7 of Regulation Act 2 of 70 without assigning any reasons as wholly illegal, arbitrary and unjust, and consequently direct the respondent to accept the application filed by the petitioner and adjudicate the matter and to pass an appropriate order on it and pass such further other order or orders.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Petitioner claims to be the owner of land in an extent of Ac.5.00 in Survey No.R.S.Nos.46/3, 46/8, 46/9, 60/4, 46/4, 60/5 and 60/6 under Old Patta No.26 of Kondrukota Village, Polavaram Mandal, West Godavari District. According to him, originally, the land belongs to the Zamindar of Polavaram and the erstwhile owner of the land was the grand son of Kasi Veereshu whose name is recorded as pattadar of the land in Amarakam Register of Pattadars. Petitioner states that the said patta (land) will not attract the Agency tracts interest and the Land Transfer Act. Subsequent to the death of Kasi Veereshu, his sons Venkat Ratnam and others enjoyed the property and their sons Raja Rao and others sold away the land to the petitioner and the petitioner developed the land into a fruit bearing tree garden and has been in possession and enjoyment of the same. Petitioner claims that he came to know that the Government is going to acquire his land and that his land is assessed as waste dry land in the revenue records.

According to the petitioner, the respondent is the appropriate authority for grant of ryotwari patta under Section 7 of Regulation Act 2/1970 and the respondent without assigning any reasons outrightly rejected his application for grant of ryotwari patta.

Petitioner seeks a writ of Mandamus to declare the action of the respondent in rejecting his application under Section 7 of Regulation Act 2 of 1970 without assigning any reasons as illegal and arbitrary and consequently to direct the respondent to accept the application filed by the petitioner and adjudicate the matter and pass appropriate orders thereon.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The main contention of the learned counsel for the petitioner is that the application filed by the petitioner under Section 7 of Regulation Act 2/1970 for grant of ryotwari patta is not being entertained by the Settlement Officer, West Godavari and unless the petitioner is granted ryotwari patta, he will suffer irreparable loss.

Having regard to the facts and circumstances of the case, I direct the respondent-Settlement Officer-Cum-Revenue Development Officer to entertain the application of the petitioner for grant of ryotwari patta, consider the same and pass appropriate orders thereon in accordance with law as expeditiously as possible.

The writ petition is disposed of accordingly, at the admission stage.

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(N.V. RAMANA, J)

Date: 23.12.2004

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To

1 The Settlement Officer-cum-Revenue Development Officer
Jangareddigudem, West Godavari Dist.

2 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

3 Two CD copies.